

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 6th day of May, two thousand twenty-five.

PRESENT:

ROBERT D. SACK,
JOSEPH F. BIANCO,
EUNICE C. LEE,
Circuit Judges.

SIMRANJEET SINGH,
Petitioner,

v.

PAMELA BONDI, UNITED STATES
ATTORNEY GENERAL,
Respondent.

23-7022
NAC

FOR PETITIONER: Jaspreet Singh, Esq., Richmond Hill, NY.

1 **FOR RESPONDENT:**

Brian M. Boynton, Principal Deputy Assistant
Attorney General; Walter Bocchini, Senior
Litigation Counsel; Monica M. Twombly,
Trial Attorney, Office of Immigration
Litigation, United States Department of
Justice, Washington, DC.

7 UPON DUE CONSIDERATION of this petition for review of a Board of
8 Immigration Appeals (“BIA”) decision, it is hereby ORDERED, ADJUDGED, AND
9 DECREED that the petition for review is DENIED.

10 Petitioner Simranjeet Singh, a native and citizen of India, seeks review of an
11 August 17, 2023, decision of the BIA affirming an August 6, 2019, decision of an
12 Immigration Judge (“IJ”) denying his application for asylum, withholding of
13 removal, and relief under the Convention Against Torture (“CAT”). *In re*
14 *Simranjeet Singh*, No. A209 874 369 (B.I.A. Aug. 17, 2023), *aff’g* No. A209 874 369
15 (Immigr. Ct. N.Y.C. Aug. 6, 2019). We assume the parties’ familiarity with the
16 underlying facts and procedural history.

17 We have reviewed both the IJ’s and the BIA’s opinions. *See Wangchuck v.*
18 *Dep’t of Homeland Sec.*, 448 F.3d 524, 528 (2d Cir. 2006). We review an adverse
19 credibility determination “under the substantial evidence standard,” *Hong Fei Gao*
20 *v. Sessions*, 891 F.3d 67, 76 (2d Cir. 2018), and “the administrative findings of fact
21 are conclusive unless any reasonable adjudicator would be compelled to conclude

1 to the contrary,” 8 U.S.C. § 1252(b)(4)(B).

2 “Considering the totality of the circumstances, and all relevant factors, a
3 trier of fact may base a credibility determination on the demeanor, candor, or
4 responsiveness of the applicant or witness, . . . the consistency between the
5 applicant’s or witness’s written and oral statements (whenever made and whether
6 or not under oath, and considering the circumstances under which the statements
7 were made), the internal consistency of each such statement, [and] the consistency
8 of such statements with other evidence of record . . . without regard to whether an
9 inconsistency, inaccuracy, or falsehood goes to the heart of the applicant’s claim,
10 or any other relevant factor.” *Id.* § 1158(b)(1)(B)(iii). “We defer . . . to an IJ’s
11 credibility determination unless, from the totality of the circumstances, it is plain
12 that no reasonable fact-finder could make such an adverse credibility ruling.”
13 *Xiu Xia Lin v. Mukasey*, 534 F.3d 162, 167 (2d Cir. 2008); *accord Hong Fei Gao*, 891
14 F.3d at 76.

15 Singh alleged that members of the Bharatiya Janata Party (“BJP”) and the
16 Shiromani Akali Dal Badal Party attacked him twice in 2016 on account of his
17 support for the Shiromani Akali Dal Amritsar Party. Substantial evidence
18 supports the agency’s determination that Singh was not credible.

1 The IJ reasonably relied in part on Singh’s demeanor, finding his testimony
2 unresponsive at times. *See* 8 U.S.C. § 1158(b)(1)(B)(iii); *Jin Chen v. U.S. Dep’t of*
3 *Just.*, 426 F.3d 104, 113 (2d Cir. 2005) (“giv[ing] particular deference to credibility
4 determinations that are based on the adjudicator’s observation of the applicant’s
5 demeanor”). The record supports that finding: Singh was evasive and
6 unresponsive when asked about the identity of the ruling party when he left India,
7 whether he knew why his father went missing in 2012, and why he had not
8 submitted medical records.

9 The IJ also reasonably relied on Singh’s inconsistent evidence regarding
10 who accompanied him to the doctor after his first attack and whether he reported
11 his second attack to the police. *See* 8 U.S.C. § 1158(b)(1)(B)(iii); *see Likai Gao v. Barr*,
12 968 F.3d 137, 145 n.8 (2d Cir. 2020) (“[E]ven a single inconsistency might preclude
13 an alien from showing that an IJ was compelled to find him credible. Multiple
14 inconsistencies would so preclude even more forcefully.”). He did not
15 compellingly explain these inconsistencies. *See Majidi v. Gonzales*, 430 F.3d 77, 80
16 (2d Cir. 2005) (“A petitioner must do more than offer a plausible explanation for
17 his inconsistent statements to secure relief; he must demonstrate that a reasonable
18 fact-finder would be *compelled* to credit his testimony.” (quotation marks

omitted)).

Having questioned Singh’s credibility, the IJ reasonably relied further on his failure to rehabilitate his testimony with reliable corroborating evidence. “An applicant’s failure to corroborate his or her testimony may bear on credibility, because the absence of corroboration in general makes an applicant unable to rehabilitate testimony that has already been called into question.” *Biao Yang v. Gonzales*, 496 F.3d 268, 273 (2d Cir. 2007). As the IJ noted, Singh testified that he had evidence of his medical treatment, but he did not submit that evidence, and his mother’s affidavit was inconsistent with his testimony.

Taken together, the IJ’s demeanor finding, the inconsistencies, and the lack of corroboration provide substantial evidence for the adverse credibility determination. See 8 U.S.C. § 1158(b)(1)(B)(iii); *Likai Gao*, 968 F.3d at 145 n.8; *Xiu Xia Lin*, 534 F.3d at 167; *Biao Yang*, 496 F.3d at 273.¹ The adverse credibility determination is dispositive because all three forms of relief are based on the same

¹ Even assuming error in the IJ’s additional findings that Singh’s testimony was vague and that his descriptions of how he was injured were too similar, remand would be futile given Singh’s lack of responsiveness, the inconsistencies, and the absence of reliable corroboration. See *Lianping Li v. Lynch*, 839 F.3d 144, 149 (2d Cir. 2016) (“When a[] . . . decision contains errors, we may . . . deem remand futile . . . if (1) substantial evidence in the record . . . supports the IJ’s finding that petitioner lacked credibility, and (2) disregarding those aspects of the IJ’s reasoning that are tainted by error, we can state with confidence that the IJ would adhere to his decision were the petition remanded.” (quotation marks omitted)).

1 factual predicate. *See Hong Fei Gao*, 891 F.3d at 76 (“Where the same factual
2 predicate underlies a petitioner’s claims for asylum, withholding of removal, and
3 protection under the CAT, an adverse credibility determination forecloses all three
4 forms of relief.”).

5 For the foregoing reasons, the petition for review is DENIED. All pending
6 motions and applications are DENIED and stays VACATED.

7 FOR THE COURT:
8 Catherine O’Hagan Wolfe,
9 Clerk of Court